THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24326 of 2006

DATED 22.11.2006

Between:

Syed Sirajuddin and three others. .. PETITIONERS

versus

The Municipal Corporation of Hyderabad, represented by its Commissioner, office at Tank Bund, Hyderabad and two others. .. RESPONDENTS

WRIT PETITION NO.24326 of 2006

ORDER:

The matter is coming up for admission. Sri Ghanta Rama Rao takes notice on behalf of respondents 1 and 2.

2. The Writ Petition is filed for a Writ of Mandamus declaring the proposed action of respondents 1 and 2 to demolish the remaining unaffected portion of the Malgies bearing municipal Nos.23-6-949, 23-6-947, 23-6-947/1 and 23/6/948 situated at Shah Ali Banda, Hyderabad, admeasuring approximately 6 square yards each (8 feet x 7 feet) after implementing road widening programme upon the instigation of respondent No.3 as highly illegal and arbitrary and pass such other suitable orders.

3. It is stated that the petitioners are owners and possessors of the Malgies bearing municipal Nos.23-6-949, 23-6-947, 23-6-947/1 and 23/6/948 situated at Shah Ali Banda, Hyderabad, having purchased the same under different registered sale deeds. It is also stated that respondents 1 and 2 implemented road widening programme and the petitioners herein being law abiding citizens, have cooperated with the respondents 1 and 2. It is further stated that the property of 3rd

respondent is situated behind the malgies of the petitioners and upon the instigation of 3rd respondent, the 2nd respondent and his subordinates are bent upon to demolish the remaining unaffected portion of the petitioners in order to help 3rd respondent. Several other factual details also had been narrated in the affidavit filed in support of the Writ Petition.

4. It is stated by Sri Ghanta Rama Rao that that portion of the property which had been acquired alone is being demolished and the other portions are not being touched at all. The same is hereby recorded.

5. It is needless to say that if the other portions are to be touched, then the procedure as contemplated by the provisions of Hyderabad Municipal Corporation Act, 1955 to be followed. In view of the same and inasmuch as the submission made by the learned Standing Counsel had been recorded, it is clarified that respondents 1 and 2 not to touch the portions which are not covered by such portions which had been already acquired by the Land Acquisition Officer, to be disturbed except by following due procedure of law.

6. With the above direction, the Writ Petition is disposed of. No costs.

22.11.2006

SSR

Issue operative portion of the order copy by wire at party's costs.

(BO)